

No. 12713

United States
Court of Appeals
for the Ninth Circuit.

HENRY JOHNSON,

Appellant,

VS.

UNITED STATES OF AMERICA,

Appellee.

SUPPLEMENTAL
Transcript of Record

Appeal from the United States District Court,
Northern District of California,
Southern Division.

No. 12713

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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United States District Court for the Northern
District of California, Southern Division

No. 28995-G

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HENRY JOHNSON,

Defendant.

PLAINTIFF'S REQUEST FOR ADMISSIONS

To: Reed M. Clarke, Attorney at Law, 1355 Ellis
Street, San Francisco, California.

For the purpose of this action only, pursuant to the provisions of Rule 36, as amended, of the Federal Rules of Civil Procedure, within ten (10) days after service of this request plaintiff requests the defendant to admit the genuineness of the documents described and exhibited herewith, if any, and to admit the truth of the following relevant matters of fact:

1. That at all times material to this action defendant was the landlord of certain controlled housing accommodations, more particularly described and set forth in Schedule A attached to Plaintiff's Complaint, which schedule is by reference incorporated herein.

2. That the items in said schedule truthfully and correctly designate the names of the tenants who occupied the designated housing accommodations.

3. That the items in said schedule truthfully and correctly designate the periods said tenants occupied said accommodations.

4. That the items in said Schedule A truthfully and correctly designate the rentals collected from said tenants.

5. That said schedule truthfully and correctly designates the registered legal rents in force for the indicated housing accommodations for the periods of time referred to in request No. 3.

Dated this 13th day of September, 1949.

/s/ REUEL K. YOUNT,
Attorney for Plaintiff.

Affidavit of service by mail attached.

[Endorsed]: Filed September 15, 1949.

[Title of District Court and Cause.]

DEFENDANT'S ADMISSIONS

Pursuant to the provisions of Rule 36, as amended, of the Federal Rules of Civil Procedure, the undersigned, attorney for the above-named defendant, hereby makes the following admissions, to wit:

1. Admits that at all times material to this action, defendant was the landlord of the housing accommodations mentioned in plaintiff's complaint.

2. Admits items in Schedule "A" truthfully and correctly designate the names of the tenants who occupied the designated housing accommodations.

3. Admits that items in said Schedule "A" truly and correctly designate the periods said tenants occupied said accommodations.

4. Denies that the items in said Schedule "A" truthfully, and/or correctly designate the rentals collected from the said tenants.

5. Admits that the said schedule truthfully and correctly designates the registered legal rents in force for said housing accommodations.

Dated: September 19th, 1949.

/s/ REED M. CLARKE,
Attorney for Defendant.

Receipt of copy acknowledged.

[Endorsed]: Filed September 22, 1949.

[Title of District Court and Cause.]

NOTICE OF MOTION; POINTS AND AU-
THORITIES; MOTION FOR SUMMARY
JUDGMENT

Notice of Motion

To the Above-Named Defendant and His Attorney,
Reed M. Clarke:

You Will Please Take Notice that the under-
signed will move this Court at the United States

Post Office Building, San Francisco, California, on this 14th day of November, 1949, at 10:00 a.m. of said day, or as soon thereafter as counsel can be heard, for entry of Summary Judgment in this cause.

Points and Authorities

1. Rule 56, Federal Rules of Civil Procedure.
2. In *Shreffler v. Bowles*, 153 F. 2nd 1 (1946); (Certiorari denied, 66 S. Ct. 1366), the Court stated:

“The salutary purpose of Rule 56 is to permit speedy and expeditious disposal of cases where the pleadings do not as a matter of fact present any substantial question for determination. Flimsy or transparent charges or allegations are insufficient to sustain a justiciable controversy requiring the submission thereof. The purpose of the rule is to permit the trier to pierce formal allegations of facts in pleadings and grant relief by summary judgment when it appears from uncontroverted facts set forth in affidavits, depositions or admissions on file that there are as a matter of fact no genuine issues for trial.”

(At page 3; footnote omitted.)

See also, *Bowles v. Batson*, 61 F. Supp. 839 (1945), *aff'd.* 154 F. 2nd 566 (1946).

Motion for Summary Judgment

Plaintiff moves the Court that it enter, pursuant to Rule 56 of the Federal Rules of Civil Procedure, Summary Judgment in Plaintiff's behalf and against Defendant herein.

If Summary Judgment is not rendered in Plaintiff's behalf upon the whole case, or for all the relief asked, and if the Court rule that a trial is necessary, let the Court on the hearing of the Motion, by examining the pleadings and the evidence before it and by interrogating counsel, ascertain what material facts are actually and in good faith controverted, and thereupon make an order specifying the facts that appear not substantially controverted and order such further proceedings in the action as are just.

This Motion is based upon the following papers and documents filed herein:

- (a) Plaintiff's Complaint.
- (b) Plaintiff's Request for Admissions.
- (c) Defendant's Answer to Plaintiff's Request for Admissions.

It appears therefrom that this action was commenced by the Government of the United States on or about July 7, 1949, by filing a Complaint for Injunction, Restitution and Treble Damages with the Clerk of this Court.

It further appears that personal service was had upon defendant by the United States Deputy Marshal on or about July 12, 1949.

It further appears therefrom that on or about September 15, 1949, Plaintiff served a Request for Admissions on Defendant herein by serving a copy of said Request on his attorney, Reed M. Clarke, by mail, together with a copy of an Affidavit of Service by Mail, copies of which are on file with the Clerk of this Court.

It further appears that on or about September 19, 1949, Defendant filed his Answer to Plaintiff's Request for Admissions.

In answer to Plaintiff's Request for Admissions, Defendant admits that the items set forth in Schedule A attached to Plaintiff's Complaint truthfully and correctly designate the names of the tenants who occupied the designated housing accommodations, the periods said tenants occupied said accommodations, and the legal maximum rents in force for said housing accommodations during said periods.

Defendant, however, denies that the items in said Schedule A truthfully and correctly designate the rentals collected from said tenants.

Defendant has therefore admitted all material allegations of Plaintiff's Complaint save the amount of rents demanded and received from the said tenants for the said housing accommodations for the periods indicated.

In this connection, Plaintiff submits herewith and incorporates as a part hereof, the attached affidavits of the following tenants designated in Schedule A attached to Plaintiff's Complaint:

Pauline Henderson	Room #1
Wilbert Guyden	Room #2
Lester Houston	Room #2
Leslie Houston	Room #3
Mrs. Tillie Robinson	Room #4
Riley Samuel	Room #4
Robert Castle	Room #6
Mrs. Willie Williams	Room #7

The aforesaid affidavits of the tenants set forth the periods of time of their occupancy of the said housing accommodations, the amount of rents demanded and received by the Defendant, and the legal maximum rents in force during the periods of their occupancy. The aforesaid affidavits set forth the fact that evidence in the form of receipts showing payment of rents in excess of the legal maximum rents for said housing accommodations is now in the possession of the San Francisco Regional Office of the Housing Expediter.

Plaintiff therefore submits that by reason of the aforesaid admissions of the Defendant in his reply to Plaintiff's Request for Admissions, and by reason of the attached affidavits of each of the tenants concerned with respect to the amount of rents demanded and received by the Defendant in excess of the legal maximum rent for the subject housing accommodations during said periods of occupancy, there remains no substantial question of fact to be adjudicated by this Court.

Plaintiff further submits that Defendant's admissions and the aforesaid affidavits permit of no other conclusion than that the Defendant overcharged the said tenants designated in Exhibit A appended to the Plaintiff's within and foregoing Complaint for the periods of tenancy designated therein.

Wherefore, pursuant to Rule 56 of the Federal Rules of Civil Procedure as amended, Plaintiff prays that judgment shall be rendered forthwith on its behalf as the Pleadings, Request for Admissions and Defendant's Answer thereto, on file, together with supporting Affidavits, show conclusively that there remains no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law as prayed for in Plaintiff's Complaint.

Dated this 27th day of October, 1949.

/s/ RAYMOND J. FOX,
Attorney for Plaintiff.

[Title of District Court and Cause.]

AFFIDAVIT OF PAULINE HENDERSON

State of California,

City and County of San Francisco—ss.

Pauline Henderson, being first duly sworn, deposes and says:

1. That she occupied the housing accommodations known as #1, 1495 O'Farrell Street, San Francisco, California, from on or about October 7, 1946, to on or about February 14, 1949.

2. Your affiant further states that during the

period from on or about October 7, 1946, to on or about December 15, 1947, she made payment of rent to Henry Johnson, Defendant, in the amount of \$10.00 per week; and from on or about December 15, 1947, to on or about February 14, 1949, in the amount of \$8.00 per week.

3. Your affiant further states that Henry Johnson, Defendant, did demand and receive the aforesaid rents throughout the period of your affiant's occupancy, to wit: October 7, 1946, until February 14, 1949.

4. Your affiant further states that the legal maximum rent for the aforesaid housing accommodations occupied by your affiant was at all times material to this action \$5.50 per week.

5. Your affiant further states that all available receipts given by Henry Johnson, Defendant, showing payment of rent in the amounts as indicated in Item 2 above for the periods indicated are now in the possession of the San Francisco Regional Office of the Housing Expediter.

Dated this 26th day of October, 1949.

/s/ PAULINE LEE HENERSON.

Subscribed and sworn to before me this 26th day of October, 1949.

/s/ RAYMOND J. FOX.

The person whose name is subscribed above is officially designated as being authorized to administer oaths pursuant to authority of P.L. 31, 81st Cong. (14 Fed. Reg. 2709).

[Title of District Court and Cause.]

AFFIDAVIT OF WILBERT GUYDEN

State of California,
City and County of San Francisco—ss.

Wilbert Guyden, being first duly sworn, deposes and says:

That he occupied the housing accommodations known as Room 2, 1493 O'Farrell Street, San Francisco, California, from on or about March 2, 1947, until on or about June 18, 1949.

Your affiant further states that during the period from on or about March 2, 1947, until on or about June 18, 1949, he made payment of rent to Henry Johnson, Defendant, in the amount of \$8.00 per week.

Your affiant further states that Henry Johnson, Defendant, did demand and receive the aforesaid rents throughout the period of your affiant's occupancy, to wit: March 2, 1947, until June 18, 1949.

Your affiant further states that the legal maximum rent for the aforesaid housing accommodations occupied by your affiant was at all times material to this action \$6.00 per week.

Your affiant further states that from June 18, 1949, to date he has made payment of rent to Henry Johnson, Defendant, in the amount of \$8.00 per week and continues to pay this amount.

Dated this 26th day of October, 1949.

/s/ WILBERT GUYDEN.

Subscribed and sworn to before me this 26th day of October, 1949.

/s/ RAYMOND J. FOX.

The person whose name is subscribed above is officially designated as being authorized to administer oaths pursuant to authority of P.L. 31, 81st Cong. (14 Fed. Reg. 2709).

[Title of District Court and Cause.]

AFFIDAVIT OF LESTER HOUSTON

State of California,
City and County of San Francisco—ss.

Lester Houston, being first duly sworn, deposes and says:

1. That he occupied the housing accommodations known as Room #2, 1495 O'Farrell Street, San Francisco, California, from on or about August 8, 1947, to on or about May 7, 1949.

2. Your affiant further states that during the period from on or about August 8, 1947, to on or about May 7, 1949, he made payment of rent to Henry Johnson, Defendant, in the amount of \$40.00 per month.

3. Your affiant further states that Henry Johnson, Defendant, did demand and receive the afore-said rents throughout the period of your affiant's occupancy, to wit: August 8, 1947, to on or about May 7, 1949.

4. Your affiant further states that the legal maximum rent for the aforesaid housing accommodations occupied by your affiant was at all times material to this action \$12.00 per month.

5. Your affiant further states that all available receipts given by Henry Johnson, Defendant, showing payment of rent in the amount of \$40.00 per month for the period from August 8, 1947, to on or about May 7, 1949, are now in the possession of the San Francisco Regional Office of the Housing Expediter.

Dated this 26th day of October, 1949.

/s/ LESTER HOUSTON.

Subscribed and sworn to before me this 26th day of October, 1949.

/s/ RAYMOND J. FOX.

The person whose name is subscribed above is officially designated as being authorized to administer oaths pursuant to authority of P.L. 31, 81st Cong. (14 Fed. Reg. 2709).

[Title of District Court and Cause.]

AFFIDAVIT OF LESLIE HOUSTON

State of California,

City and County of San Francisco—ss.

Leslie Houston, being first duly sworn, deposes and says:

1. That she occupied the housing accommodations known as Room #3, 1495 O'Farrell Street, San Francisco, California, from on or about September 3, 1947, until on or about May 7, 1949.

2. Your affiant further states that during the period from on or about September 3, 1947, until on or about May 7, 1949, she made payment of rent to Henry Johnson, Defendant, in the amount of \$10.00 per week.

3. Your affiant further states that Henry Johnson, Defendant, did demand and receive the aforesaid rents throughout the period of your affiant's occupancy, to wit: September 3, 1947, until on or about May 7, 1949.

4. Your affiant further states that the legal maximum rent for the aforesaid housing accommodations occupied by your affiant was at all times material to this action \$5.00 per week.

5. Your affiant further states that all available receipts given by Henry Johnson, Defendant, showing payment of rent in the amount of \$10.00 per week for the period from September 3, 1947, until on or about May 7, 1949, are now in the possession of the San Francisco Regional Office of the Housing Expediter.

Dated this 26th day of October, 1949.

/s/ LESLIE HOUSTON.

Subscribed and sworn to before me this 26th day of October, 1949.

/s/ RAYMOND J. FOX.

The person whose name is subscribed above is officially designated as being authorized to administer oaths pursuant to authority of P.L. 31, 81st Cong. (14 Fed. Reg. 2709).

[Title of District Court and Cause.]

AFFIDAVIT OF TILLIE ROBINSON

State of California,
City and County of San Francisco—ss.

Mrs. Tillie Robinson, being first duly sworn, deposes and says:

1. That she occupied the housing accommodations known as Room No. 4 at 1495 O'Farrell Street, San Francisco, California, from on or about October 1, 1946, to on or about July 1, 1949.

2. Your affiant further states that during the period from on or about October 1, 1946, to on or about November 1, 1946, she paid \$40.00 per month; from November 1, 1946, to on or about December 31, 1946, she paid \$7.00 per week; from January 1, 1947, to on or about June 15, 1947, she paid \$8.00 per week; from November 1, 1947, to on or about March 1, 1948, she paid \$7.00 per week; from March 1, 1948, to on or about April 1, 1948, she paid \$40.00 per month; from April 1, 1948, to on or about July 1, 1949, she paid \$32.00 per month.

3. Your affiant further states that Henry Johnson, Defendant, did demand and receive the aforesaid rents throughout the period of your affiant's occupancy, to wit: October 1, 1946, until July 1, 1949.

4. Your affiant further states that the legal maximum rent for the aforesaid housing accommodations occupied by your affiant was \$4.50 per week at the time weekly payments were made, and \$8.00

per month at the time when monthly payments were made.

5. Your affiant further states that all available receipts given by Henry Johnson, Defendant, showing payment of rent in the amounts as indicated in Item 2 above for the periods indicated are now in the possession of the San Francisco Regional Office of the Housing Expediter.

Dated this 26th day of October, 1949.

/s/ MRS. TILLIE ROBINSON.

Subscribed and sworn to before me this 26th day of October, 1949.

/s/ RAYMOND J. FOX.

The person whose name is subscribed above is officially designated as being authorized to administer oaths pursuant to authority of P.L. 31, 81st Cong. (14 Fed. Reg. 2709).

[Title of District Court and Cause.]

AFFIDAVIT OF RILEY SAMUEL

State of California,
City and County of San Francisco—ss.

Riley Samuel, being first duly sworn, deposes and says:

That he occupied the housing accommodations known as Room 4, 1493 O'Farrell Street, San Francisco, California, from on or about June 2, 1947, until on or about June 2, 1949.

Your affiant further states that during the period from on or about June 2, 1947, until on or about

June 2, 1949, he made payment of rent to Henry Johnson, Defendant, in the amount of \$32.00 per month.

Your affiant further states that Henry Johnson, Defendant, did demand and receive the aforesaid rents throughout the period of your affiant's occupancy, to wit: June 2, 1947, until June 2, 1949.

Your affiant further states that the legal maximum rent for the aforesaid housing accommodations occupied by your affiant was at all times material to this action \$24.00 per month.

Your affiant further states that all available receipts given by Henry Johnson, Defendant, showing payment of rent in the amount of \$32.00 per month for the period from June 2, 1947, until June 2, 1949, are now in the possession of the San Francisco Regional Office of the Housing Expediter.

Dated this 26th day of October, 1949.

/s/ RILEY SAMUEL.

Subscribed and sworn to before me this 26th day of October, 1949.

/s/ RAYMOND J. FOX.

The person whose name is subscribed above is officially designated as being authorized to administer oaths pursuant to authority of P.L. 31, 81st Cong. (14 Fed. Reg. 2709).

[Title of District Court and Cause.]

AFFIDAVIT OF ROBERT CASTLE

State of California,

City and County of San Francisco—ss.

Robert Castle, being first duly sworn, deposes and says:

1. That he occupied the housing accommodations known as Room #6, 1493 O'Farrell Street, San Francisco, California, from on or about February 18, 1949, until on or about June 24, 1949.

2. Your affiant further states that during the period from on or about February 18, 1949, until on or about June 24, 1949, he made payment of rent to Henry Johnson, Defendant, in the amount of \$10.00 per week; receipts available.

3. Your affiant further states that Henry Johnson, Defendant, did demand and receive the aforesaid rents throughout the period of your affiant's occupancy, to wit: February 18, 1949, until June 24, 1949.

4. Your affiant further states that the legal maximum rent for the aforesaid housing accommodations occupied by your affiant was at all times material to this action \$6.00 per week.

Dated this 26th day of October, 1949.

/s/ ROBERT CASTLE.

Subscribed and sworn to before me this 26th day of October, 1949.

/s/ RAYMOND J. FOX.

The person whose name is subscribed above is offi-

cially designated as being authorized to administer oaths pursuant to authority of P.L. 31, 81st Cong. (14 Fed. Reg. 2709).

[Title of District Court and Cause.]

AFFIDAVIT OF MRS. WILLIE WILLIAMS

State of California,

City and County of San Francisco—ss.

Mrs. Willie Williams, being first duly sworn, deposes and says:

1. That she occupied the housing accommodations known as No. 7, 1495 O'Farrell Street, San Francisco, California, from on or about August 13, 1948, until on or about June 17, 1949.

2. Your affiant further states that during the period from on or about August 13, 1948, until on or about June 17, 1949, she made payment of rent to Henry Johnson, Defendant, in the amount of \$8.00 per week.

3. Your affiant further states that Henry Johnson, Defendant, did demand and receive the aforesaid rents throughout the period of your affiant's occupancy, to wit: August 13, 1948, until on or about June 17, 1949.

4. Your affiant further states that the legal maximum rent for the aforesaid housing accommodations occupied by your affiant was at all times material to this action \$5.50 per week.

5. Your affiant further states that all available receipts given by Henry Johnson, Defendant, showing payment of rent in the amount of \$8.00 per week for the period from August 13, 1948, until June 17, 1949, are now in the possession of the San Francisco Regional Office of the Housing Expediter.

Dated this 26th day of October, 1949.

/s/ MARY WILLIAMS.

/s/ MRS. WILLIE WILLIAMS.

Subscribed and sworn to before me this 26th day of October, 1949.

/s/ RAYMOND J. FOX.

The person whose name is subscribed above is officially designated as being authorized to administer oaths pursuant to authority of P.L. 31, 81st Cong. (14 Fed. Reg. 2709).

Affidavit of service by mail attached.

[Endorsed]: Filed November 1, 1949.

United States District Court for the Northern
District of California, Southern Division
No. 28995-G

UNITED STATES OF AMERICA,
Plaintiff,

vs.

HENRY JOHNSON,
Defendant.

PRE-TRIAL ORDER ON PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT

The above matter having come regularly on for hearing on Plaintiff's Motion for Summary Judgment on November 21, 1949, the Honorable Judge Louis E. Goodman presiding, Plaintiff being represented by his counsel, Reuel K. Yount, and Defendant being represented by his counsel, Reed M. Clarke, and the Court having examined the pleadings and having heard arguments of counsel, issues the following:

Pre-Trial Order

It Is Hereby Ordered that there remaining no material issues in this matter save the amount of rents actually collected by the Defendant from the various tenants, at the time of trial evidence will be taken solely on this point, since the names of the tenants, periods of occupancy, and legal maximum rents are admitted by the Defendant.

Dated this 9th day of December, 1949.

/s/ LOUIS E. GOODMAN,
Federal District Judge.

[Endorsed]: Filed December 9, 1949.

[Title of District Court and Cause.]

DESIGNATION OF SUPPLEMENTAL
RECORD ON APPEAL

To the Clerk of the above-entitled Court and to
Henry Johnson, the Defendant above named,
and to Reed M. Clarke, his attorney:

The plaintiff, United States of America, having
heretofore received a copy of defendant's designa-
tion of contents of record on appeal, does hereby
designate the following additional portions of the
record to be contained in the record on appeal:

1. Plaintiff's Request for Admissions filed on or
about September 15, 1949.

2. Defendant's Admissions filed on or about Sep-
tember 19, 1949, in response to said Request.

3. Notice of Motion, Points and Authorities, and
Motion for Summary Judgment, with affidavits
thereto attached filed by plaintiff November 1, 1949.

4. Pre-Trial Order entered December 9, 1949, on
said Motion for Summary Judgment.

5. Documents received in evidence at trial May
12, 1950, marked: "Defendant's Exhibit A," con-
sisting substantially of Registration Statements of
the housing accommodations involved, and reciting
orders of the Rent Director of the San Francisco
Rent Defense Area, of the dates October 7, 1946,
and September 7, 1949.

6. This designation of supplemental record on appeal.

Dated this 9th day of July, 1951.

/s/ SIDNEY FEINBERG,
Attorney for Plaintiff.

Affidavit of service by mail attached.

[Endorsed]: Filed July 10, 1951.

CERTIFICATE OF CLERK TO
SUPPLEMENTAL RECORD ON APPEAL

I, C. W. Calbreath, Clerk of the United States District Court, for the Northern District of California, do hereby certify that the foregoing and accompanying documents and exhibits, listed below, are the originals filed in this Court in the above-entitled case and that they constitute the supplemental record on appeal herein as requested by the attorney for the appellee:

Plaintiff's request for admissions.

Defendant's admissions.

Notice of Motion, Points and Authorities and Motion for Summary Judgment with affidavits.

Pre-trial order on Plaintiff's Motion for Summary Judgment.

Defendant's Exhibit "A."

Designation of supplemental record on appeal.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said District Court this 11th day of July, 1951.

[Seal] C. W. CALBREATH,
Clerk.

By /s/ C. M. TAYLOR,
Deputy Clerk.

[Endorsed]: No. 12713. United States Court of Appeals for the Ninth Circuit. Henry Johnson, Appellant, vs. United States of America, Appellee. Supplemental Transcript of Record. Appeal from the United States District Court for the Northern District of California, Southern Division.

Received: July 12, 1951.

/s/ PAUL P. O'BRIEN,
Clerk of the United States Court of Appeals for the Ninth Circuit.

6. This designation of supplemental record on appeal.

Dated this 9th day of July, 1951.

/s/ SIDNEY FEINBERG,
Attorney for Plaintiff.

Affidavit of service by mail attached.

[Endorsed]: Filed July 10, 1951.

CERTIFICATE OF CLERK TO
SUPPLEMENTAL RECORD ON APPEAL

I, C. W. Calbreath, Clerk of the United States District Court, for the Northern District of California, do hereby certify that the foregoing and accompanying documents and exhibits, listed below, are the originals filed in this Court in the above-entitled case and that they constitute the supplemental record on appeal herein as requested by the attorney for the appellee:

Plaintiff's request for admissions.

Defendant's admissions.

Notice of Motion, Points and Authorities and Motion for Summary Judgment with affidavits.

Pre-trial order on Plaintiff's Motion for Summary Judgment.

Defendant's Exhibit "A."

Designation of supplemental record on appeal.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said District Court this 11th day of July, 1951.

[Seal] C. W. CALBREATH,
Clerk.

By /s/ C. M. TAYLOR,
Deputy Clerk.

[Endorsed]: No. 12713. United States Court of Appeals for the Ninth Circuit. Henry Johnson, Appellant, vs. United States of America, Appellee. Supplemental Transcript of Record. Appeal from the United States District Court for the Northern District of California, Southern Division.

Received: July 12, 1951.

/s/ PAUL P. O'BRIEN,
Clerk of the United States Court of Appeals for
the Ninth Circuit.

